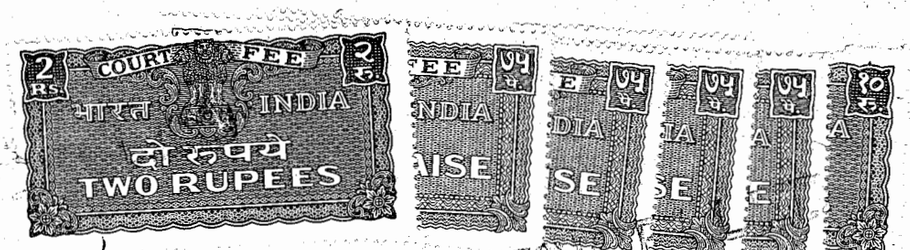

IN THE HIGH COURT OF JUDICATURE AT JABALPUR

(3)

W.P.No. 2413 of 1999.

PETITIONER :- GOVIND SINGH KHURANA
S/o Guruvachan Singh aged
35 years, R/o Purani Basti,
Dani-wada - Raipur.

-VERSUS -

RESPONDENTS: 1. State Industrial Court
Raipur Bench- Krishna Sadan
16 M.I. G. Shankar Nagar, Raipur (M.P.)

~~M.P.~~ State Road Transport Corporation
through its Divisional Manager Raipur.

PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA

IN THE HIGH COU

PETITIONER :-

RESPONDENTS: 1.

2) Chhattisgarh Infrastructure,
Development Corporation.
Through: Its Divisional Manager
Raipur (C.G.)

PETITION

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COMMISSIONER
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(13)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.2413 OF 1999

Petitioner	:	Govind Singh Khurana
	Versus	
Respondents	:	State Industrial Court, Raipur Bench and another

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Present : Mr. Y.C.Sharma, counsel for the petitioner.
Mr. Pradeep Saxena, counsel for respondent No.2.

ORDER

(Passed on 12th Day of February, 2007)

By this petition, filed under Article 227 of the Constitution of India, the petitioner impugns the order dated 17-4-1999 (P-4), whereunder the Industrial Court set aside the order of the Labour Court directing reinstatement of the petitioner without back wages. The Industrial Court came to the conclusion that the period spent by the petitioner in the employment of respondent No.2 was hardly for 2 months and 24 days. Thus, the petitioner is not entitled to any relief against the order of termination passed on the ground that his services was not satisfactory.

2. The petitioner was initially appointed on daily wages vide order dated 14/17-10-1987 (P-1). Thereafter, by various orders, the petitioner

continued upto 31-12-1987, when the services of the petitioner was discontinued on the ground that his services was not found satisfactory.

3. The Labour Court, without holding as to whether the petitioner has completed 240 days in the preceding year, allowed the application of the petitioner on the ground that no show cause notice was issued before discontinuation of the services of the petitioner. Accordingly, the Labour Court, by order dated 23-6-1990 (P-3), allowed the application of the petitioner and directed reinstatement without back wages.

4. The Industrial Court came to the conclusion that no show cause notice was necessary when the appointment of the petitioner was on daily wages for a period of about 2 months and 24 days. The order of the Labour Court is erroneous and contrary to the settled position of law.

5. It is well settled principle of law by a catena of decisions of the Supreme Court that appointment of a candidate on daily wages basis, without inviting applications from the similarly situated candidates and dehors rules, is contrary to the constitutional scheme of employment.

6. Thus, the petitioner has no right to reinstatement, continuation on the post. The constitutional philosophy of equal opportunity of appointment to all eligible candidates is applicable in the present case of appointment also.

7. For the aforestated reasons, there is no warrant to interfere with the findings and order passed by the Industrial Court impugned herein. The order is just and valid.

8. Thus, as a result and for the reasons aforestated, this petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal